

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

6:23-CR-06095-DGL

ALICIA TORRES,

Defendant.

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STIPULATION AND FINAL ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, United States of America ("Plaintiff"), through Trini E. Ross, United States Attorney, by Grace M. Carducci, Assistant United States Attorney, of counsel, Defendant, ALICIA TORRES, and her attorney Jeffrey L. Ciccone, Esq., as follows:

1. The parties do hereby agree to settle and compromise the above-captioned action upon the terms and conditions set forth in this Stipulation and Final Order.

2. On May 31, 2023, the Defendant pled guilty to a one count Information charging a violation of Title 18, United States Code, Section 1343 (Wire Fraud), for which the maximum possible sentence is a term of imprisonment of 20 years, a fine of \$250,000 or twice the gross pecuniary gain or loss, whichever is greater, a mandatory \$100 special assessment and a term of supervised release of 3 years. Additionally, pursuant to Title 18 U.S.C. § 3663A(c)(1) of the Mandatory Victims Restitution Act, the Defendant agreed that

she is required to pay restitution to Wegmans Food Market, Inc. in the amount of \$578,943.86. *See* Dkt. #3 at ¶¶ 1 and 18.

3. The Defendant agrees that pursuant to this Stipulation and Final Order, her retirement benefits are subject to enforcement and collection under the Federal Debt Collection Procedures Act of 1990 (“FDCPA”), and 18 U.S.C. §§ 3613 and 3664, which applies to the collection of both fines and restitution and provides that the United States may enforce a judgment imposing a fine or restitution “against all property or rights to property of the person fined,” with very limited exceptions that do not apply here.<sup>1</sup> The Defendant also agrees that pursuant to §3613(c), the Government has a lien interest in her retirement benefits held by Fidelity Management Trust Company.

4. Sentencing of the Defendant is presently scheduled for October 25, 2023. *See* Dkt. #7.

5. Fidelity Management Trust Company currently has in its possession or control, personal property belonging to and due to the Defendant in the form of a 401(k) account, account number ending in 9787. The current balance in the Defendant’s Fidelity Management Trust Company 401(k) account ending in 9787 is approximately \$257,382.48. The balance of the account changes daily based on the market.

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<sup>1</sup> A judgment of restitution has the same force and is equivalent to a Federal tax levy under 26 U.S.C. § 6331, which permits the Government to levy on a defendant’s IRA or pension plan to satisfy an outstanding criminal restitution judgment.

6. The Defendant agrees to the issuance of an order of the Court directing Fidelity Management Trust Company, as trustee and recordkeeper for The Wegmans Retirement Plans (the "Plan") to pay, in a lump sum, the full amount of her benefit under the Plan, less the Plan's required 20% withholding obligation under Internal Revenue Code Section 3405(c)(1) (hereinafter "the net amount"), to the Clerk of the Court, to be held until sentencing has occurred, and applied to any restitution obligation imposed by the Court at the time of sentencing under Court number 6:23CR06095-DGL.

7. The net payment amount should be made by certified check or money order and include Case No. 6:23CR06095-DGL in the lower left corner of the check. Payment from the withdrawal of the Defendant's 401(k) account with Fidelity Management Trust Company ending in 9787 should be made payable to the **CLERK, U.S. DISTRICT COURT**, and mailed to the following address:

**CLERK, U.S. District Court  
2 Niagara Square  
Buffalo, New York 14202**

8. The parties further agree and represent that they have thoroughly considered all aspects of this Stipulation and Final Order, and are knowingly and voluntarily entering into this agreement.

9. The parties agree that, following the approval of this Stipulation and Final Order by the Court, the Court shall enter a 'So Ordered' in accordance with the terms and conditions of this agreement which is to be given the full effect as a separate Order of the Court.

Dated: Rochester, New York, October 11, 2023.

TRINI E. ROSS  
United States Attorney

BY: Grace M. Carducci  
Grace M. Carducci  
Assistant United States Attorney  
United States Attorney's Office/WDNY  
100 State Street  
Rochester, New York 14614  
585-399-3954  
Grace.Carducci@usdoj.gov

Dated: Rochester, New York, October 11, 2023.

BY: Jeffrey L. Ciccone  
JEFFREY L. CICCONE  
*Attorney for Defendant*  
28 East Main Street, Suite 400  
Rochester, New York 14614  
585-263-6201  
Jeffrey\_ciccone@fd.org

Dated: Rochester, New York, October 9, 2023.

BY: Alicia Torres  
ALICIA TORRES  
*Defendant*

**SO ORDERED.**

DATED: October 16, 2023.  
Rochester, New York

David G. Larimer  
HON. DAVID G. LARIMER  
UNITED STATES DISTRICT COURT